

SENATE BILL 3083

By Gresham

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 51; Title 39, Chapter 17, Part 4; Title 57, Chapter 5, Part 1 and Title 67, Chapter 4, Part 10, relative to the punishment for offenses involving certain products.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-452, is amended by adding the following as a new subsection:

(d) In addition to any other penalty for a violation of this section, if the violation of this section involves the sale, offer for sale, or possession with the intent to sell or offer for sale any product prohibited by this section by the owner or an employee of a retail establishment from within the confines of such establishment, the following shall apply, if applicable to the establishment:

(1) The establishment's lottery retailer contract shall not be renewed by the Tennessee lottery corporation pursuant to title 4, chapter 51, for a period of one (1) year from the date of the conviction and no lottery retailer certificate of authority shall be issued to such establishment during such one-year period;

(2) The court shall revoke the establishment's license to sell or distribute tobacco products, obtained pursuant to title 67, chapter 4, part 15, for a period of one (1) year from the date of the conviction and shall notify the department of revenue of such revocation; and

(3) The court shall revoke the establishment's permit to sell beer, obtained pursuant to title 57, chapter 5, part 1, for a period of one (1) year from the date of the conviction and shall notify the appropriate local beer board of such revocation.

SECTION 2. Tennessee Code Annotated, Section 39-17-438, is amended by adding the following as a new subsection:

(d) In addition to any other penalty for a violation of this section, if the violation of this section involves the sale, offer for sale, or possession with the intent to sell or offer for sale any product prohibited by this section by the owner or an employee of a retail establishment from within the confines of such establishment, the following shall apply, if applicable to the establishment:

(1) The establishment's lottery retailer contract shall not be renewed by the Tennessee lottery corporation pursuant to title 4, chapter 51, for a period of one (1) year from the date of the conviction and no lottery retailer certificate of authority shall be issued to such establishment during such one-year period;

(2) The court shall revoke the establishment's license to sell or distribute tobacco products, obtained pursuant to title 67, chapter 4, part 15, for a period of one (1) year from the date of the conviction and shall notify the department of revenue; and

(3) The court shall revoke the establishment's permit to sell beer, obtained pursuant to title 57, chapter 5, part 1, for a period of one (1) year from the date of the conviction and shall notify the appropriate local beer board of such revocation.

SECTION 3. This act shall take effect July 1, 2012, the public welfare requiring it.